

REMARKS

The reference to Figure 8 is being corrected in the specification, and a corrected sheet of drawings is attached, with the reference numeral 73 being added to Figure 8, as requested by the Examiner. The clerical errors noted by the Examiner in the claims are also being corrected.

The allowance of Claims 12 - 15 and 19 - 20 is noted. Allowable Claims 4, 6, 17 and 18 are being written in independent form, and applicant trusts that they and the claims which depend from them (Claims 5 and 7) will now be allowed as well. Claim 16 is being cancelled, but reconsideration of the remaining claims is requested.

Claims 1 and 2 have been rejected under 35 U.S.C. §103 as being unpatentable over McIntosh (U.S. 4,205,838) in view of Tracy (U.S. 4,971,318). McIntosh shows a conventional barbell with the weights on the ends of the bar resting on stands at the sides of a bench, and Tracy is cited as showing weight plates formed as hinged halves which can be mounted on or removed from a bar without being slid off the ends of the bar.

In making this rejection, the Examiner is attempting to combine selected elements from different references when there is no motivation or other basis in the references for doing so. Moreover, in this particular case, if the hinged plates of Tracy were simply mounted on the barbell of McIntosh, they would topple over and fall off the stands when they were detached from the bar and the bar was lifted.

Claim 1 is being amended to specifically include means for holding the plates in their upright positions on the stands when the plates are detached from the bar, and with this amendment, it clearly distinguishes over the references.

Claim 2 depends from Claim 1 and is directed to patentable subject matter for the same reasons as its amended parent claim.

Claim 3 has been rejected under 35 U.S.C. §103 as being unpatentable over McIntosh as modified by Tracy and further in view of Ish, III (U.S. 5,462,510). McIntosh and Tracy are discussed above, and Ish, III is cited as showing a movable bench which the Examiner has acknowledged is not taught by the other references. Ish, III does not, however, suggest the use of such a bench in a system having the other elements of Claim 3, and that claim is directed to patentable subject matter for the same reasons as the amended claim from which it depends (Claim 1).

Claims 8 and 9 have been rejected under 35 U.S.C. §103 as being unpatentable over McIntosh in view of Ish, III, both of which are discussed above. Claim 8 is being amended in a manner which clearly distinguishes over these references in calling for a bench, a pair of weight stands on opposite sides of the bench, an elongated bar extending over the bench between the weight stands, a plurality of weight plates disposed side-by-side in upright positions on each of the weight stands for selective attachment to the bar, means for holding the plates in their upright positions on the stands when the plates are detached from the bar, and means for moving the bench between raised and lowered positions relative to the bar.

Claim 9 depends from Claim 8 and is directed to patentable subject matter for the same reasons as its amended parent claim.

Claim 8, along with Claim 10, has also been rejected under 35 U.S.C. §103 as being unpatentable over McIntosh in view Oswald, et al. (U.S. 5,060,939). McIntosh is discussed above, and Oswald, et al. is cited as showing features of the bench which the Examiner acknowledges are not taught by McIntosh. Here again, the Examiner is attempting to combine selected elements from different references in order to meet the claims when there is no basis in the references for doing so. Both claims distinguish over the references for the reasons noted above, and Claim 10 further distinguishes in calling for a lifting arm which engages the under side of the bench in cam-like fashion and is affixed to a shaft for rotation between upright and retracted positions, and a handle operable by a person on the bench for turning the shaft to move the arm between the upright and retracted positions.

In that regard, it should be noted that the Examiner is mistaken in characterizing Oswald et al. as showing a lifting arm which engages the under side of the bench in cam-like fashion. The element 204 characterized by the Examiner as a lifting arm does not engage anything in cam-like fashion to a so-called center undercarriage 304 which, in turn, is connected to a so-called rear undercarriage 404 by a pin in a slotted opening.

Claim 11 has been rejected under 35 U.S.C. §103 as being unpatentable over McIntosh as modified by Oswald, et al. and further in view of Bloomqvist (U.S. 4,502,681) and Tracy. McIntosh, Oswald, et al. and Tracy are discussed above, and Bloomqvist is cited as showing a leg lifting device with individually operable leg extension bars. However, Bloomqvist does not show or suggest the use of such bars

in a system having the other features of applicant's invention, and the fact that the Examiner has found it necessary to combine selected teachings from no less than *four* different references is, in itself, pretty strong evidence that the combination is not obvious.

Moreover, Claim 11 depends from Claim 8 and is directed to patentable subject matter for the same reasons as its amended parent claim.

In order to more fully round out the protection to which applicant is believed to be entitled, new Claims 21 and 22 are being added to the application.

Claim 21 is directed to a weightlifting system comprising a pair of laterally spaced weight stands, an elongated bar extending between the weight stands, a plurality of weight plates disposed side-by-side in upright positions on each of the stands for being selectively attached to the bar without being removed from the weight stands, means for holding the plates in their upright positions on the stands when the plates are detached from the bar, and means for supporting a person in position for exercising with the bar and the weights attached thereto.

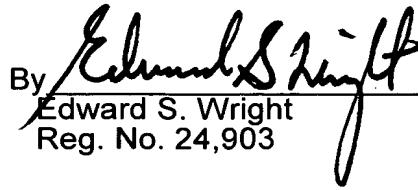
Claim 22 depends from Claim 21 and further specifies that the means for supporting a person includes a bench positioned beneath the bar.

Finally, to complete the record, applicant would like to direct the Examiner's attention to U.S. Patent 6,682,464 which issued to applicant after the present application was filed. That patent discloses a dumbbell or barbell having hinged weight plates somewhat similar to those shown in the Tracy reference. A Form PTO SB08A identifying the patent is attached.

With this amendment, the application should be in condition for allowance.

The Commissioner is authorized to charge any fees required in connection with this amendment to Deposit Account 50-2975, Order No. A-72219.

Respectfully submitted,

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